

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

TYLER TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-cv-00173-TWP-DML
)	
LEXUR ENTERPRISES INC., ROBERT FRY,)	
JIMMY DAVIS, JOE THORNSBERRY,)	
AND JOHN DOES 1-100)	
)	
Defendants.)	
)	

JOINT MOTION TO AMEND CASE MANAGEMENT PLAN

Plaintiff Tyler Technologies, Inc. (“Tyler”) and Defendants Lexur Enterprises Inc. (“Lexur”) and Robert Fry (“Mr. Fry”) (collectively, the “Defendants”) jointly move the Court to amend the Case Management Plan (“CMP”). In support of this Motion, the Parties state as follows:

1. The Parties conferred and submitted a CMP to the Court on September 24, 2020, which was approved as modified on October 1, 2020. (DE #26, DE #35–36).
2. After the Court entered the CMP as modified (DE #36), the Parties proceeded to exchange initial disclosure statements and to exchange and file preliminary witness and exhibit lists (DE #42, 44–47).
3. Following a brief delay while the Parties explored potential settlement, Tyler served discovery requests in early February 2021.¹

¹ Tyler did not object to Defendants’ request for an initial 28-day extension to respond to Tyler’s discovery requests, “subject to the understanding that such an extension [would] require amendment to the Case Management Plan and certain of its deadlines, including the expert disclosure and fact discovery deadlines.” (DE #73 ¶ 10, DE #74 ¶ 10).

4. On March 1, 2021, Lexur filed a motion to stay discovery, which Mr. Fry joined. (DE #68–72).

5. On April 22, 2021, the Court denied the motion to stay discovery and ordered Defendants to (1) serve their discovery responses by May 14, 2021, (2) confer with Tyler about an appropriate protective order and file the same by May 6, 2021, and (3) confer with Tyler about appropriate search terms and custodians, and promptly conduct appropriate searches consistent with the Court’s deadlines. (DE #85, at p. 7.).

6. On May 3, 2021, Lexur served discovery requests on Tyler.

7. The Parties negotiated a Joint Stipulated Protective Order, which was filed on May 6, 2021. (DE #86, DE #86-1).

8. Because this matter is still in its early stages, and discovery has not been completed, the Parties believe that the CMP’s deadlines require adjustment. The Parties jointly request an amendment to the CMP’s deadlines as follows:

Event	Current Deadline	Proposed Deadline
Non-expert witness discovery and discovery relating to liability issues shall be completed	June 10, 2021	October 29, 2021
Plaintiff shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2)	April 30, 2021	November 5, 2021
Defendants shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2)	May 31, 2021	December 3, 2021
Expert witness discovery, discovery relating to damages, and all remaining discovery shall be completed	June 30, 2021	December 31, 2021
Dispositive motions shall be filed	August 10, 2021	February 4, 2022

Event	Current Deadline	Proposed Deadline
The party with the burden of proof shall file a statement of the claims or defenses it intends to prove at trial, stating specifically the legal theories upon which the claims or defenses are based	July 7, 2021	April 5, 2022
Any party who wishes to limit or preclude expert testimony at trial shall file any such objections	August 10, 2021	May 17, 2022
All parties shall file and serve their final witness and exhibit lists	October 10, 2021	July 19, 2022

9. No Party will be prejudiced by the requested amendments to the CMP's deadlines.

This request is not made for the purpose of delay or any other improper purpose, and the cause of justice will be served.

WHEREFORE, the Parties respectfully request that the Court amend the current CMP, adopt the above-proposed deadlines, and grant any other relief deemed appropriate by the Court.

Respectfully submitted,

/s/ Ann O. McCready

Jennifer J. Nagle (*pro hac vice*)
Michael R. Creta (*pro hac vice*)
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111
Tel: 617-951-9059
Fax: 617-261-3175
jennifer.nagle@klgates.com
michael.creta@klgates.com

Ann O. McCready
Vivek Randle Hadley
Taft Stettinus & Hollister LLP
One Indiana Square
Suite 3500
Indianapolis, IN 46204
Tel: 317-713-3500
Fax: 317-713-3699
amccready@taftlaw.com
vhadley@taftlaw.com

Counsel for Plaintiff Tyler Technologies, Inc.

/s/ Aaron D. Grant

A. Richard M. Blaiklock
Aaron D. Grant
John Carl Trimble
Lewis Wagner, LLP
501 Indiana Avenue
Suite 200
Indianapolis, IN 46202
Tel: 317-237-0500
Fax: 317-630-2790
rblaiklock@lewiswagner.com
agrant@lewiswagner.com
jtrimble@lewiswagner.com

Counsel for Lexur Enterprises Inc.

/s/ Douglas B. Bates

Douglas B. Bates
Chelsea R. Stanley
Stites & Harbison, PLLC
323 East Court Avenue
PO Box 946
Jeffersonville, IN 47130
Tel: 812-282-7566
Fax: 812-284-5519
dbates@stites.com
cstanley@stites.com

Counsel for Robert Fry

DATED: May 21, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2021, a copy of the foregoing document titled ***Joint Motion to Amend Case Management Plan*** was filed via CM/ECF and served on all counsel of record.

/s/ Ann O'Connor McCready